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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
13 Against:
14 **PATHWAYS COLLEGE, LLC, NURSING**
15 **AND HEALTH CARE CAREERS**
16 **Application for Renewal of Approval to**
17 **Operate an Institution Non-Accredited in**
18 **California**
19 **Institution Code: 53555857**
20
21 Respondent.

Case No. 1004369

STATEMENT OF ISSUES

22 **PARTIES**

- 23 1. Dr. Michael Marion, Jr. (Complainant) brings this Statement of Issues solely in his
24 official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
25 Consumer Affairs.
- 26 2. On or about June 29, 2016, the Bureau for Private Postsecondary Education received
27 an Application for Renewal of Approval to Operate and Offer Educational Programs for Non-
28 Accredited Institutions from Pathways College, LLC, Nursing & Health Care Careers

1 (Respondent). On or about June 17, 2016, Brenda J. Allmond, MSN, RN and Chief Executive
2 Officer for Pathways College, LLC, Nursing & Health Care Careers certified under penalty of
3 perjury to the truthfulness of all statements, answers, and representations in the application. The
4 Bureau denied the application on February 7, 2019.

5 JURISDICTION

6 3. This Statement of Issues is brought before the Director of the Department of
7 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the
8 authority of the following laws. All section references are to the Education Code unless
9 otherwise indicated.

10 STATUTORY PROVISIONS

11 4. Business and Professions Code of 22 defines the term "board" to include "bureau."

12 5. Education Code section 94885¹ states:

13 (a) The bureau shall adopt by regulation minimum operating standards for an institution
14 that shall reasonably ensure that all of the following occur:

15 (1) The content of each educational program can achieve its stated objective.

16 (2) The institution maintains specific written standards for student admissions for each
17 educational program and those standards are related to the particular educational program.

18 (3) The facilities, instructional equipment, and materials are sufficient to enable students to
19 achieve the educational program's goals.

20 (4) The institution maintains a withdrawal policy and provides refunds.

21 (5) The directors, administrators, and faculty are properly qualified.

22 (6) The institution is financially sound and capable of fulfilling its commitments to
23 students.

24 (7) That, upon satisfactory completion of an educational program, the institution gives
25 students a document signifying the degree or diploma awarded.

26 (8) Adequate records and standard transcripts are maintained and are available to students.
27

28 ¹ California Private Postsecondary Education Act of 2009, Ed. Code §§ 94800 et seq.

1 (9) The institution is maintained and operated in compliance with this chapter and all other
2 applicable ordinances and laws.

3 (b) Except as provided in Section 94885.1, an institution offering a degree must satisfy one
4 of the following requirements:

5 (1) Accreditation by an accrediting agency recognized by the United States Department of
6 Education, with the scope of that accreditation covering the offering of at least one-degree
7 program by the institution.

8 (2) An accreditation plan, approved by the bureau, for the institution to become fully
9 accredited within five years of the bureau's issuance of a provisional approval to operate to the
10 institution. The provisional approval to operate to an unaccredited degree-offering institution
11 shall be in compliance with Section 94885.5.

12 6. Education Code Section 94886 states:

13 Except as exempted in Article 4 (commencing with section 94874) or in compliance with
14 the transition provisions in Article 2 (commencing with Section 94802), a person shall not open,
15 conduct, or do business as a private postsecondary educational institution in this state without
16 obtaining an approval to operate under this chapter.

17 7. Education Code Section 94887 states:

18 An approval to operate shall be granted only after an applicant has presented sufficient
19 evidence to the bureau, and the bureau has independently verified the information provided by the
20 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant
21 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application
22 for an approval to operate if the application does not satisfy those standards.

23 8. Education Code Section 94891 subdivision (b) states:

24 To be granted a renewal of an approval to operate, the institution shall demonstrate its
25 continued capacity to meet the minimum operating standards.

26 9. Education Code Section 94892 states:

27 If an agency of this state other than the bureau or of the federal government provides an
28 approval to offer an educational program and the institution already has a valid approval to

1 operate issued by the bureau, that agency's educational program approval may satisfy the
2 requirements of this article without any further review by the bureau. The bureau may incorporate
3 that educational program into the institution's approval to operate when the bureau receives
4 documentation signifying the conferral of the educational program approval by that agency.

5 10. Education Code Section 94909 states in pertinent part:

6 (a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a
7 prospective student, either in writing or electronically, with a school catalog containing, at a
8 minimum, all of the following:

9

10 (2) Except as specified in Article 2 (commencing with Section 94802), a statement that the
11 institution is a private institution and that it is approved to operate by the bureau.

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13 (5) A description of the programs offered and a description of the instruction provided in
14 each of the courses offered by the institution, the requirements for completion of each program,
15 including required courses, any final tests or examinations, any required internships or
16 externships, and the total number of credit hours, clock hours, or other increments required for
17 completion.

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19 **REGULATORY PROVISIONS**

20 11. Title 5, CCR, section 71700 states:

21 The Bureau may request that an institution document compliance with the standards set
22 forth in the Act and this Division to obtain and maintain an approval to operate.

23 12. Title 5, CCR, section 71485 states:

24 Failure of an institution to have made current payments of the assessments to the Student
25 Tuition Recovery Fund as required by chapter 7 of this Division, and annual fees as required by
26 chapter 5 of this Division shall render the institution ineligible for renewal.

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FIRST CAUSE FOR DENIAL OF APPLICATION

(Failure to Meet Minimum Operating Standards –Educational Program)

13. Respondent’s application is subject to denial under Education Code section 94892 in that the institution has not provided the required program approvals from the California Department of Public Health (CDPH) for the following courses: Nursing Assistant (NA), Home Health Aide and Restorative Nursing Assistant (RNA).

SECOND CAUSE FOR DENIAL OF APPLICATION

(Failed to Meet Minimum Operating Standards - Catalog)

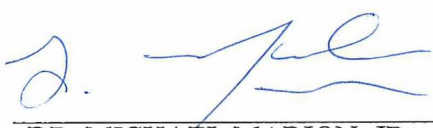
14. Respondent’s application is subject to denial under Education Code section 94909 subdivision (a) (5) in that Respondent’s catalog improperly contains course information relating to the following courses that are not approved by CDPH: Nursing Assistant (NA) and Restorative Nursing Assistant (RNA).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

- 1. Denying the application of Pathways College, LLC, Nursing and Health Care Careers for a Renewal of Approval to Operate an Institution Non-Accredited Institution Code 53555857;
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 9/3/19


DR. MICHAEL MARION, JR.
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant